

THE HONORABLE THOMAS S. ZILLY

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON

BUNGIE, INC., a Delaware corporation,

Plaintiff

v.

AIMJUNKIES.COM, a business of unknown
classification; PHOENIX DIGITAL GROUP
LLC, an Arizona limited liability company;
JEFFREY CONWAY, an individual; DAVID
SCHAEFER, an individual; JORDAN GREEN,
an individual; and JAMES MAY, an individual,

Defendants.

Cause No. 2:21-cv-0811 TSZ

**DECLARATION OF PHILIP P.
MANN IN RESPONSE TO
MINUTE ORDER OF MAY 16,
2023 (DKT #135)**

I, Philip P. Mann, under penalty of perjury under the laws of the United States, state
and declare as follows:

1. I am counsel for all Defendants in the above captioned matter.
2. In compliance with this Court's Minute Order of May 16, 2023, Dkt# 135, I
state a follows:
3. The the name and address of the expert Defendants seek to disclose is Scott A.
Kraemer, 9793 W. Hedge Hog PL, Peoria AZ 85383.
4. Between 1990 and 1994, Mr. Kraemer was a member of the United States
Marine Corps where he received technical training in computer systems and
served as a dual MOS's 4034/4066 Mainframe and Small Systems specialist.
From May, 2001 through the present, Mr. Kraemer has been a full time

1 employee of Honeywell as an Information Technology Engineer. Between
2 2009-2017 Mr. Kraemer also owned and operated the Web Sites
3 "Rentacheat.com" and "HackersAdavantage.com" where he was in the top 5
4 ranked Undetected Game Hacking Sites, with 10,000+ Users. During this
5 time he was the sole programmer for the sites and reverse engineered game
6 code, wrote c++ client DLL's, Client VIP Loaders and Code Injectors for the
7 sites.

8 5. With respect to the Counter-Claim of Defendant Phoenix Digital Group LLC,
9 Mr. Kraemer is expected to testify that, based on his review and analysis of
10 several documents produced by Bungie in this action, including but not limited
11 to Bungie production documents BUNGIE_WDWA_0000410,
12 BUNGIE_WDWA_0000416, BUNGIE_WDWA_0000421 and
13 BUNGIE_WDWA_0000368, these documents show and establish that Bungie
14 reverse engineered the AimJunkies Cheat Loader and process flow, dumped
15 crucial proprietary information on how the AimJunkies Cheat Loader and
16 cheat injector work, and thereby learned the methods and IP addresses of the
17 AimJunkies servers, all in violation of the applicable Terms of Service put in
18 place by Defendant Phoenix Digital Group LLC.

19 6. With respect to the Counter-Claims of Defendant James May, Mr. Kraemer is
20 expected to testify that, based on his review and analysis of several documents,
21 including but not limited to Bungie production document
22 BUNGIE_WDWA_0000409, Bungie conducted a review of Mr. May's
23 computer files beyond the scope authorized by Bungie's Limited Software
24 License Agreement and Privacy Policy. In particular, Mr. Kraemer is expected
25 to testify, in part, that documents produced by Bungie in this action relating to
26 Bungies "Findings of James Mays Files," show and establish that the
27 category "GameCheats.AimJunkies binary found" was found outside the
28

1 games own directory by a process other than "Reverse Engineer Tool
2 Attached," beyond the scope of the authorization granted by Mr. May

3 7. Defendants were in contact with Mr. Kraemer before May 4, 2023.
4

5 Dated May 23, 2023.
6

7 /s/ Philip P. Mann
8

9 Philip P. Mann
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28